IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 16905 of 2007(K)

PETITIONER:

GEETHAMONY.B.,
W/O.V.MURUGAN, HIGH SCHOOL ASSISTANT
(MALAYALAM) ADHICHANELLOOR PANCHAYAT HIGH
SCHOOL, ADHICHANELLOOR (PO), KOLLAM.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO THE GOVT., DEPARTMENT OF GENERAL
EDUCATION, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR (KOLLAM),
KOLLAM.

3. THE MANAGER, ADHICHANELLOOR PANCHAYAT
HIGH SCHOOL, ADHICHANELLOOR P.O.,
KOLLAM.

4. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, KOLLAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE
SRI.P.C.SASIDHARAN, SC, KPSC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.16905 OF 2007

Dated this the 5th day of June, 2007

JUDGMENT

Petitioner was placed at Sl.No.5 in the supplementary list published by the Kerala Public Service Commission for selection to the post of H.S.A.(Malayalam). List expired in the year 2001. It is the admitted position that petitioner was advised by the Public Service Commission for appointment in a school managed by a local statutory body, namely Adhichanelloor Panchayat in Kollam district on an option exercised by her. She has been working in the said school ever since, for the last about six years. Apparently petitioner now wants to come out of the aided school service and join the Government service. According to the petitioner, vacancies are available in 'various Government schools' in Kollam district and she can be accommodated in one of those vacancies.

2. There may be vacancies, but the fact that hundreds of eligible selected candidates and other eligible teachers are

waiting for their turn for appointment and promotion as the case may be, in these vacancies, cannot be disputed. The mere fact that petitioner wants to taken out of the aided school service to Government school service. She had exercised her option way back in the year 2001. She cannot have the cake and eat it too. At this belated stage, especially long after expiry of the validity of the list, petitioner cannot be allowed to annul the option exercised by her and to upset the settled positions of seniority of teachers. Petitioner has not been able to point out any statutory provision which would come to her rescue. Though the request made by her appears to be innocuous, I do not deem it just or proper to issue a direction to respondent no.1 to consider Ext.P5 representation submitted by her.

There is no merit in the writ petition. It is accordingly dismissed.

A.K.BASHEER, JUDGE

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